

REMARKS

This is in response to the Office Action of August 6, 2008. Claim has been amended to more accurately reflect the claimed invention. Support for the amendment of claim 1 can be found in the original claim 4. No new matter has been added. Claims 1-3, 5-6, 12 and 15 are currently pending in the present application.

Pending claims 1-3, 5-6, 12 and 15 considered together with the following remarks are believed sufficient to place the application into condition for allowance. Accordingly, an early and favorable action on the merits is earnestly solicited at present.

Issues Under 35 U.S.C. § 103(a)

The following prior art based rejections are pending:

Claims 1-3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Jenkins et al.** U.S. 5,637,143, in view of **Schmid et al.** U.S. 5,364,467;

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Jenkins et al.** U.S. 5,637,143, in view of **Schmid et al.** U.S. 5,364,467, further in view of **Mei et al.** U.S. 6,894,089;

Claims 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Jenkins et al.** U.S. 5,637,143, in view of **Schmid et al.** U.S. 5,364,467, further in view of **Shimizu et al.** U.S. 4,842,837; and

Claims 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Jenkins et al.** U.S. 5,637,143, and **Schmid et al.** U.S. 5,364,467 and **Shimizu et al.** U.S. 4,842,837, further in view of **Mei et al.** U.S. 6,894,089.

Issue Under 35 U.S.C. § Double Patenting

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11, 13, and 14 of US Patent 7,045,212.

Reconsideration and withdrawal of the above rejections are respectfully requested based on the following considerations.

Applicants contend that the arguments previously submitted in the response filed on November 6, 2008, with respect to distinctions over the prior art references are equally applicable here (and are incorporated herein by reference in their entirety).

CONCLUSION

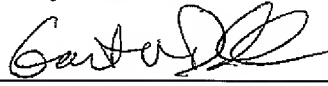
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eggerton A. Campbell, Reg. No. 51,307, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 15, 2008

Respectfully submitted,

By  #43575
Craig A. McRobbie *For*
Registration No.: 42,874
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant